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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,514	09/30/2003	Kuok San Ho	SJO920000166US2	6097
44190	7590	05/16/2005	EXAMINER	
WALTER W. DUFT LAW OFFICES OF WALTER W. DUFT 8616 MAIN ST SUITE 2 WILLIAMSVILLE, NY 14221			KIM, PAUL D	
			ART UNIT	PAPER NUMBER
			3729	
DATE MAILED: 05/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/675,514	HO ET AL.	
	Examiner	Art Unit	
	Paul D Kim	3729	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 19-22 is/are rejected.
- 7) Claim(s) 23-26 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --A METHOD FOR FABRICATING A MAGNETORESISTIVE SENSOR HAVING A RECESSED SENSING ELEMENT AND A FLUX GUIDE--.

Claim Objections

2. Claims 20-26 are objected to because of the following informalities:

Re. Claims 20-26: The phrase "A method" as recited in line 1 needs to be changed to --The method--. Appropriate correction is required.

As per claim 21 the parentheses of the phrase "ferromagnetic layer (pinned layer)" as recited in lines 2-3 and "a sensing ferromagnetic sub-layer (free sub-layer)" as recited in line 3 are confused as to which terms are correct to use. Appropriate correction is required for consistency.

As per claims 24-26 the claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claim 24 is a dependent claim, which is already cancelled.

Examiner assumes that the claim 24 appears to be a dependent claim of claim 23. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US PAT. 6,223,420).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Lee et al. teach a process of making a read head comprising steps of: forming a multi-layer wafer which includes layers that will serve as a sensing element (202) and a flux guide (208) as shown in Fig. 10; and defining a track

width for the sensing element and the flux guide in a single photo processing operation as shown in Figs. 25-29 (see also col. 11, line 55 to col. 12, line 31).

As per claim 20 the sensing element is constructed as a spin valve device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Gill (US PAT. 6,680,830).

Lee et al. teach all of the limitations as set forth above except the structure of the multilayered wafer. Gill teach a process of forming a tunnel valve sensor and flux guide having an antiferromagnetic layer (220), a ferromagnetic pinned layer (214) disposed on the antiferromagnetic layer, a barrier layer (212) disposed on the pinned layer, a sensing ferromagnetic free sub-layer (216) disposed on the barrier layer, and a cap layer (222) as shown in Fig. 9 in order to form a desired read head with the tunnel valve sensor. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify a process of fabricating a read head of Lee et al. by the structure of the multilayered wafer including an antiferromagnetic layer, a

ferromagnetic pinned layer, a barrier layer, a sensing ferromagnetic free sub-layer and a cap layer as taught by Gill in order to form a desired read head.

As per claim 22 Lee et al. also teach that photo processing operation includes a process of applying a photoresist mask (520) on the wafer to define the sensing element (522) and flux guide (552,554) having active regions disposed between a pair of common track width boundaries that define sensing element and flux guide track widths which are substantially equal to each other as shown in Figs. 25-29 (see also col. 11, line 55 to col. 12, line 31).

Allowable Subject Matter

7. Claims 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if claim 24 is a dependent claim of claim 23.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 571-272-4565. The examiner can normally be reached on Monday-Friday between 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul D Kim
Examiner
Art Unit 3729